

**To:** kgoforth@home.com[]  
**Cc:** []  
**Bcc:** []  
**From:** CN=Kathleen Goforth/OU=R9/O=USEPA/C=US  
**Sent:** Sat 3/4/2000 1:54:15 AM  
**Subject:** Re: Delta Plan??  
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----- Forwarded by Kathleen Goforth/R9/USEPA/US on 03/03/2000 05:54 PM -----

Philip Woods  
02/16/2000 04:01 PM  
**To:** Kathleen Goforth/R9/USEPA/US@EPA  
**cc:** Gail Louis/R9/USEPA/US@EPA  
**Subject:** Re: Delta Plan??

The 1995 Delta Plan is the one we talked about yesterday. Fran refers to it late in the article. It was adopted by the State Board and applies to the Delta part of Basin 5 for some parameters as an amendment to the provisions for the Delta in the 94 Basin Plan. (It also applies to part of the Bay. Thanks for reminding me!)

The 12/99 "plan?" appears to implement the 95 one through making the State and Fed water regulators responsible for maintaining the flows necessary to implement the 95 plan. At that point, I lose the logic because it is the independent water agencies who are the plaintiffs. Apparently, those agencies lose water, potentially at least, per the 12/99 action. Also, from the article, I can't tell whether the plaintiffs are contesting the 95 Delta Plan as well as the 12/99 action.

Note the 12/99 action supported the Drain which you were already addressing.

I'll cc Gail to see if she can help us sort out the WQS questions involved in these filings.

Kathleen Goforth  
02/16/2000 11:18 AM  
**To:** Philip Woods/R9/USEPA/US@EPA  
**cc:**  
**Subject:** Delta Plan??

You mentioned something yesterday about a Delta Plan that wasn't accounted for in the Alaska Rule docket. Is that the plan that is referred to in the following message? If so, how does it relate to the Sacramento/San Joaquin Basin Plan, which also includes the Delta? I don't know what was adopted on 12/29/99, and I can't tell if the following message is talking about something that pertains primarily to water rights, or if it is really referring to water quality standards in a Basin Plan. Can you shed any light on this for me?

-Kathy

**To:** Kathleen Goforth/R9/USEPA/US@EPA  
**cc:**  
**Subject:** Fwd: Delta Lawsuits

is this your area?  
Suesan

Return-path: <notes@igc.apc.org>  
Received: from rly-yh05.mx.aol.com (rly-yh05.mail.aol.com [172.18.147.37]) by air-yh05.mail.aol.com (v67\_b1.24) with ESMTP; Thu, 10 Feb 2000 22:48:03 -0500  
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Received: (from notes@localhost) by cdp.igc.apc.org (8.9.3/8.9.3) id TAA08703 for <@conf2mail.igc.apc.org:conf-env.trinity>; Thu, 10 Feb 2000 19:46:03 -0800 (PST)  
Date: 10 Feb 2000 19:44:34  
From: tstokely@trinityalps.net  
Subject: Delta Lawsuits  
To: Recipients of env-trinity <env-trinity@igc.apc.org>  
Reply-to: Conference "env.trinity" <env-trinity@igc.apc.org>  
Message-id: <38A384D2.705081C3@trinityalps.net>  
Precedence: bulk  
X-Gateway: conf2mail@igc.apc.org  
Lines: 137

The Water Wars are breaking out again! From the Sacramento Bee:

Delta water quality plan draws  
legal fire

By JOHN HOWARD  
Associated Press Writer

SACRAMENTO, Calif. (AP) -- Water districts and  
growers unhappy with the state's water-quality  
plan for  
the river delta east of San Francisco are  
taking their  
case to court.

A group of delta water interests argue in a  
lawsuit that  
the state Water Quality Control Board's plan is  
flawed, in  
part because it violates the state's principal  
environmental law, the California Environmental  
Quality  
Act.

Other suits that allege violations of the same  
law  
reportedly have been filed in Sacramento,  
Merced and

Fresno counties.

The delta suit contends the board's 200-page plan allows the state and federal governments to pump too much water out of the delta and hamstring the ability of local districts to protect irrigation.

"The effects of this pumping and export of delta water are tremendous," the lawsuit states.

"It is inexcusable and contrary to law that the people in the delta don't have enough water or good quality water," Stockton attorney John Herrick, who represents the Central Delta Water Agency, said Wednesday. "We're the guys at the end of the stream, and we're suffering from upstream actions and exports."

The delta is the nexus of rivers and sloughs through which some 80 percent of California's drinking water flows as it heads from the mountains toward the sea.

The pumping causes reverse flows in various channels and creates stagnant areas, according to the lawsuit. If too much water flows out from the delta, farming and aquatic life could be hurt, according to the suit.

The lawsuit, filed late last month, is a major legal attack on the board's plan, adopted Dec. 29.

The lawsuit examines only a portion of the board's ruling, which changed the legal definition of water users, rewrote state-federal pumping agreements and potentially altered delta and watershed protections.

The coalition involved in the delta lawsuit includes Herrick's client, two reclamation districts, two major growers and the South Delta Water Agency.

The lawsuit, filed in San Francisco Superior Court, asks the court to block the board's action and force a new examination of the issues. A hearing has not yet been scheduled.

The plaintiffs acknowledged that if it prevails in its legal challenge -- if more water is retained in the delta for the critical summer months -- it could adversely affect water deliveries in the core of California's farm belt and beyond.

Those who might be affected include such diverse water users as the Westlands Water District, the state's largest agricultural district; the Metropolitan Water District of Southern California, the State Water Contractors, the Santa Clara Valley Water District, the Solano County Water Agency, the Sacramento Municipal Utility District and the Contra Costa Water District, the lawsuit says.

State Water Resources Control Board's spokeswoman Fran Vitulli declined to comment on the lawsuit, saying the board cannot discuss pending litigation.

"The state water board adopted a plan in 1995 and this was the next phase in best determining how to best protect the delta," Vitulli said of the board's water-quality plan.

On Dec. 29, the board ruled that federal and state regulators are responsible for assuring water quality in the delta.

The federal Central Valley Project and the State Water Project maintain huge pumps in the delta that extract water and send it south to the Central Valley, the Bay Area and the Los Angeles basin.

The board limited the legal ability of most districts that buy state or federal water to contest its decisions on water rights. The panel said it the provision to improve administrative efficiency.

The board also approved, in concept, the San Luis Drain, which would take

waste water from the Central Valley and discharge it in the delta.